

Kelly Hampton - 6/3/10

1

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF TEXAS
3 MARSHALL DIVISION

4 PATTY BEALL, MATTHEW)
5 MAXWELL, TALINA MCELHANY)
6 AND KELLY HAMPTON,)
7 INDIVIDUALLY AND ON BEHALF)
8 OF ALL OTHER SIMILARLY)
9 SITUATED,)
10) Plaintiffs,) 2:08-CV-422 TJW
11 VS.)
12)
13 TYLER TECHNOLOGIES, INC.)
14 AND EDP ENTERPRISES, INC.,)
15) Defendants.)

16 -----
17 ORAL DEPOSITION OF
18 KELLY HAMPTON
19 JUNE 3, 2010
20 -----
21

22 ORAL DEPOSITION OF KELLY HAMPTON, produced as a
23 witness at the instance of the DEFENDANTS, and duly
24 sworn, was taken in the above-styled and -numbered cause
25 on June 3, 2010, from 10:54 a.m. to 1:36 p.m., before
Crystal Greer, CSR in and for the State of Texas,
reported by machine shorthand, at the law offices of
Sloan, Bagley, Hatcher & Perry Law Firm, 101 East Whaley
Street, Longview, Texas, 75601, pursuant to the Federal
Rules of Civil Procedure.

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1 the offer to you?

2 A. Yes, sir. He made me an offer and I accepted.

3 Q. But there was no negotiations; like you didn't
4 ask for more or anything like that?

5 A. No. I should have. I've learned.

6 Q. How is it that you got the \$4,000 increase?

7 Was that just something that was done by the company?

8 A. I went through a divorce. And it was -- it was
9 something that was done by the company.

10 Q. To kind of help you out?

11 A. Yes.

12 MS. BAGLEY: Object to the form.

13 Q. (By Mr. McKeeby) Okay. The -- you understood,
14 based on your discussions with Mr. Summers and
15 Mr. Knight, that you would be paid a salary, I take it?

16 A. Yes, sir.

17 Q. And you knew that your hours might change from
18 week to week based on the amount of work that you would
19 do?

20 A. Honestly, I don't recall ever discussing that
21 there would be any overtime or that there would -- I
22 don't recall any discussion of overtime one way or the
23 other.

24 Q. Right. But you knew you weren't going to be
25 receiving overtime?

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1 MS. BAGLEY: Object to the form.

2 A. It wasn't discussed --

3 Q. (By Mr. McKeeby) Okay.

4 A. -- to be honest.

5 Q. Well, what was your understanding?

6 A. That I would be paid salary. But like I said,

7 I wasn't told that I would be working any hours

8 overtime, so I didn't give any thought to asking.

9 Q. Right. But you found out pretty quickly during

10 your employment that you were going to be working more

11 than 40 hours in a week?

12 A. Yes, sir.

13 Q. And you didn't complain, "hey, you know, why am

14 I not being paid overtime for this?"

15 MS. BAGLEY: Object to the form.

16 A. No, sir.

17 Q. (By Mr. McKeeby) Did you at any point in your

18 employment at EDP or Tyler make any complaint about not

19 receiving overtime?

20 A. No, sir.

21 Q. Did you ever make any complaint about the

22 number of hours that you were working, apart from

23 whether or not you were paid for those hours or not, but

24 just that you were working too many hours or anything

25 like that?

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vs.

8)
1)

9 TYLER TECHNOLOGIES, INC.)
AND EDP ENTERPRISES, INC.,)

Defendants.)

12 REPORTER'S CERTIFICATION
13 DEPOSITION OF KELLY HAMPTON
JUNE 3, 2010

I, Crystal Greer, Certified Shorthand Reporter in
and for the State of Texas, hereby certify to the
following:

17 That the witness, KELLY HAMPTON, was duly sworn by
18 the officer and that the transcript of the oral
19 deposition is a true record of the testimony given by
20 the witness:

21 That the deposition transcript was submitted on
22 _____ to the witness or to the attorney
23 for the witness for examination, signature and return to
24 me by :
25

25 | That the amount of time used by each party at the

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1 deposition is as follows:

2 MS. LAUREEN F. BAGLEY -- 00 HOUR(S):03 MINUTE(S)
3 MR. PAULO B. MCKEEBY --- 02 HOUR(S):39 MINUTE(S)

4 That pursuant to information given to the
5 deposition officer at the time said testimony was taken,
6 the following includes counsel for all parties of
7 record:

8 MS. LAUREEN F. BAGLEY, Attorney for Plaintiffs
9 MR. PAULO B. MCKEEBY, Attorney for Defendants

10 That \$_____ is the deposition officer's
11 charges to the Defendants for preparing the original
12 deposition transcript and any copies of exhibits;

13 I further certify that I am neither counsel for,
14 related to, nor employed by any of the parties or
15 attorneys in the action in which this proceeding was
16 taken, and further that I am not financially or
17 otherwise interested in the outcome of the action.

18 Certified to by me this _____ day of
19 _____, 2010.

20
21 CRYSTAL GREER, TEXAS CSR 8575
22 Expiration Date: 12/31/10
23 Firm Registration No. 392
24 Osteen Reporting Services
25 313 Northglenn Drive
Hurst, Texas 76054
P: 817-498-9990
F: 817-498-0410